

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

T03-0049

STIPULATED AGREEMENT

This Agreement made and entered into, by and between the State of Illinois, acting by and through the Illinois Commerce Commission, hereinafter referred to as the "COMMISSION", the Elgin, Joliet, and Eastern Railway Company, hereinafter referred to as the "EJ&E", the Norfolk Southern Railway Company, hereinafter referred to as the "NS", the County of Cook, hereinafter referred to as the "COUNTY", and the State of Illinois, Department of Transportation, hereinafter referred to as the "DEPARTMENT".

WITNESSETH:

WHEREAS, it has come to the attention of the COMMISSION through informal correspondence that inquiry should be made into the matter of improving public safety at the crossings of the EJ&E and NS tracks with the public highway known as Cottage Grove Road located in the City of Chicago Heights and the City of Ford Heights, Cook County, Illinois, designated as crossings AAR/DOT 260 646G, Milepost 27.17 and AAR/DOT 522 100W, Milepost 19.36 respectively; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a diagnostic team, including a staff member of the COMMISSION'S Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volumes, and all other pertinent data relating to the crossings has been obtained and shown on Exhibits A, and A-1, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the COMMISSION by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the COMMISSION enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1

All improvements encompassed by this Agreement shall be made in

accordance with all applicable State laws, rules, standards, regulations and Orders and procedures in general.

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

ELGIN, JOLIET, AND EASTERN/COTTAGE GROVE ROAD AT-GRADE CROSSING

- (a) The EJ&E shall remove the existing cantilevers with flashing light signals and gates;
- (b) The EJ&E shall install a new exterior gate and an exterior cantilever with automatic flashing light signals which shall be interconnected with the NS crossing;
- (c) The EJ&E shall install and maintain the interconnection cable between the two crossings;

NORFOLK SOUTHERN/COTTAGE GROVE ROAD AT-GRADE CROSSING

- (d) The NS shall remove the existing cantilevers with flashing light signals;
- (e) The NS shall install a new exterior gate and an exterior cantilever with automatic flashing light signals which shall be interconnected with the EJ&E crossing;
- (f) The NS shall install new constant warning time circuitry;

Section 3 The EJ&E and the NS have prepared preliminary estimates of cost to accomplish the proposed improvements which they may be required to perform. Said estimates are attached as Exhibit B, and B-1. The EJ&E and the NS shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the COMMISSION and DEPARTMENT.

Section 4 The EJ&E and the NS shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with their own forces or appropriate contracted services and agree that an appropriate time for the submission of plans should be one hundred twenty (120) days and for the completion of the proposed improvements should be twelve (12) months, from the date of COMMISSION Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

ELGIN, JOLIET, AND EASTERN/COTTAGE GROVE ROAD AT-GRADE CROSSING

- (a) The cost to install the exterior cantilever with automatic flashing light signals and gate, and provide for interconnection to the NS crossing, estimated at \$87,654, should be allocated 90% to the Grade Crossing Protection Fund (not to exceed \$78,889), with the EJ&E bearing the remaining 10% (\$8,765) and

any additional costs, as well as future operation and maintenance costs thereof;

NORFOLK SOUTHERN/COTTAGE GROVE ROAD AT-GRADE CROSSING

- (b) The cost to install the exterior cantilever with automatic flashing light signals and gate, install constant warning time circuitry, and provide for interconnection to the EJ&E crossing, estimated at \$178,500 should be allocated 90% to the Grade Crossing Protection Fund (not to exceed \$160,650), with the NS bearing the remaining 10% (\$17,850) and any additional costs, as well as future operation and maintenance costs thereof;

Section 6 Special Provisions: The EJ&E and the NS shall at six (6) month intervals from the date of the COMMISSION Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the COMMISSION stating the status of expenditures of the project and the percentage of completion of the project; if the project is behind schedule the reports must also include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, 2300 S. Dirksen Parkway, Springfield, IL 62764. The DEPARTMENT shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the COMMISSION. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty four (24) months from the date of COMMISSION Order subsequent to this Agreement. The DEPARTMENT shall, at the end of the 24th month from the COMMISSION Order date, de-obligate all residual funds accountable for the cost for this project.

The EJ&E and the NS shall at six (6) month intervals from the date of the Order until the project has been completed, submit written reports to the Director of Processing and Information, Transportation Division of the COMMISSION, stating the progress made toward completion of the work herein required. Each progress report shall include the COMMISSION Order Number, the Order Date, the project completion date as noted in the Order, crossing information (Inventory Number and Railroad Milepost), type of improvement, and project manager information (the name, title, mailing address, phone number and facsimile number of the employee responsible for management of the project.)

Section 7 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the COMMISSION shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the COMMISSION this 24th day of April, 2003.



Michael E. Stead
Rail Safety Program Administrator

Attest: 

Brian Vercruysse
Rail Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1040 concerning improvements at the crossings of the Elgin, Joliet, and Eastern Railway Company and the Norfolk Southern Railway Company tracks with the public highway known as Cottage Grove Avenue located in the City of Chicago Heights and the City of Ford Heights, Cook County, Illinois, designated as crossings AAR/DOT 260 646G, Milepost 27.17 and AAR/DOT 522 100W, Milepost 19.36 respectively;

Executed by the Elgin, Joliet, and Eastern Railway Company,

this 28 day of April, 2003.

Elgin, Joliet, and Eastern Railway Company

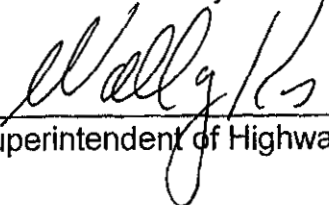
By: J C Prand
(Title)
VP MIDWESTERN OPERATIONS

Attest:

428-03

Illinois Commerce Commission Stipulated Agreement No. 1040 concerning improvements at the crossings of the Elgin, Joliet, and Eastern Railway Company and the Norfolk Southern Railway Company tracks with the public highway known as Cottage Grove Avenue located in the City of Chicago Heights and the City of Ford Heights, Cook County, Illinois, designated as crossings AAR/DOT 260 646G, Milepost 27.17 and AAR/DOT 522 100W, Milepost 19.36 respectively;

Recommended by:

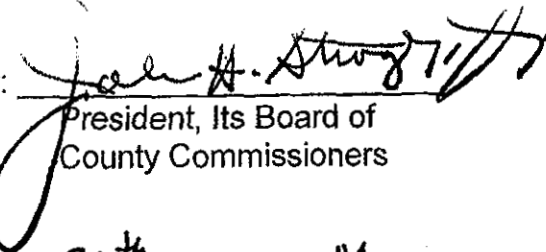

Superintendent of Highways

Approved as to form:

Richard A. Devine, State's Attorney


 4-28-03
Assistant State's Attorney

EXECUTED BY COUNTY:

By: 
President, Its Board of
County Commissioners

This 20th day of May, 2003.

Attest:


County Clerk
(SEAL)

APPROVED BY BOARD OF
COOK COUNTY COMMISSIONERS

MAY 20 2003

COM _____

Illinois Commerce Commission Stipulated Agreement No. 1040 concerning improvements at the crossings of the Elgin, Joliet, and Eastern Railway Company and the Norfolk Southern Railway Company tracks with the public highway known as Cottage Grove Avenue located in the City of Chicago Heights and the City of Ford Heights, Cook County, Illinois, designated as crossings AAR/DOT 260.646G, Milepost 27.17 and AAR/DOT 522 100W, Milepost 19.36 respectively;

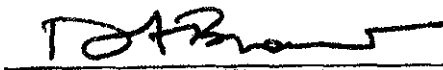
Executed by the Norfolk Southern Railway Company

this 21st day of May, 2003.

Norfolk Southern Railway Company

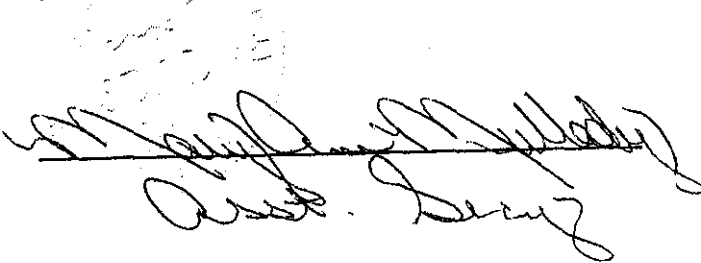
taj

By:



General Manager

Attest:


Attest. Secy

Attest:

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line EJ&E Milepost 27.17 Inventory # 260 646G
City (N) Ford Heights Street Cottage Grove Rd. County Cook
Jurisdiction County Urban X Rural Commercial X Residential
Street Surface Concr. W/ Asph. Appr. Width 50' Condition Fair
Angle 90° Tracks Tangent Yes Degree of Curve -----
Depth of Cut ---- Height of Fill ----

Crossing Surface

| Track Centers | Elevation | Track | Type | Width | Condition |
|------------------|--------------|--------------|---------------|-------------|-------------|
| | | <u>TK1-N</u> | <u>Rubber</u> | <u>8.6'</u> | <u>Fair</u> |
| <u>13.5</u> | <u>Level</u> | | | | |
| | | <u>TK2</u> | <u>Rubber</u> | <u>8.6'</u> | <u>Fair</u> |
| | | | | | |
| | | | | | |
| | | | | | |

Intersecting Roads 100' N/A 200' N/A

Traffic Control Devices Present None

ADT 6300 Speed 50-mph Statewide Yes

School buses Poss. Hazardous Materials Poss.
Other 160,000-lb Steel Trucks

Rail Traffic: Ft. 16 @ 45-mph Pass. No Switch No

Simultaneous Movements YES Daylight and Dark YES

Present Warning Devices Cant/AFLS/Gates

Advance Warning Signs Yes Pavement Marking Yes

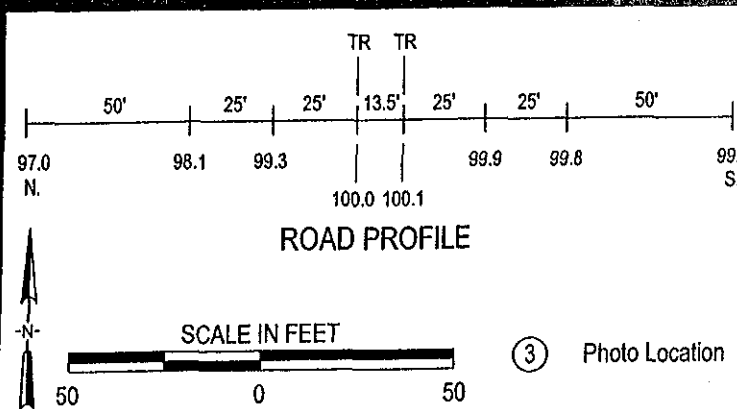
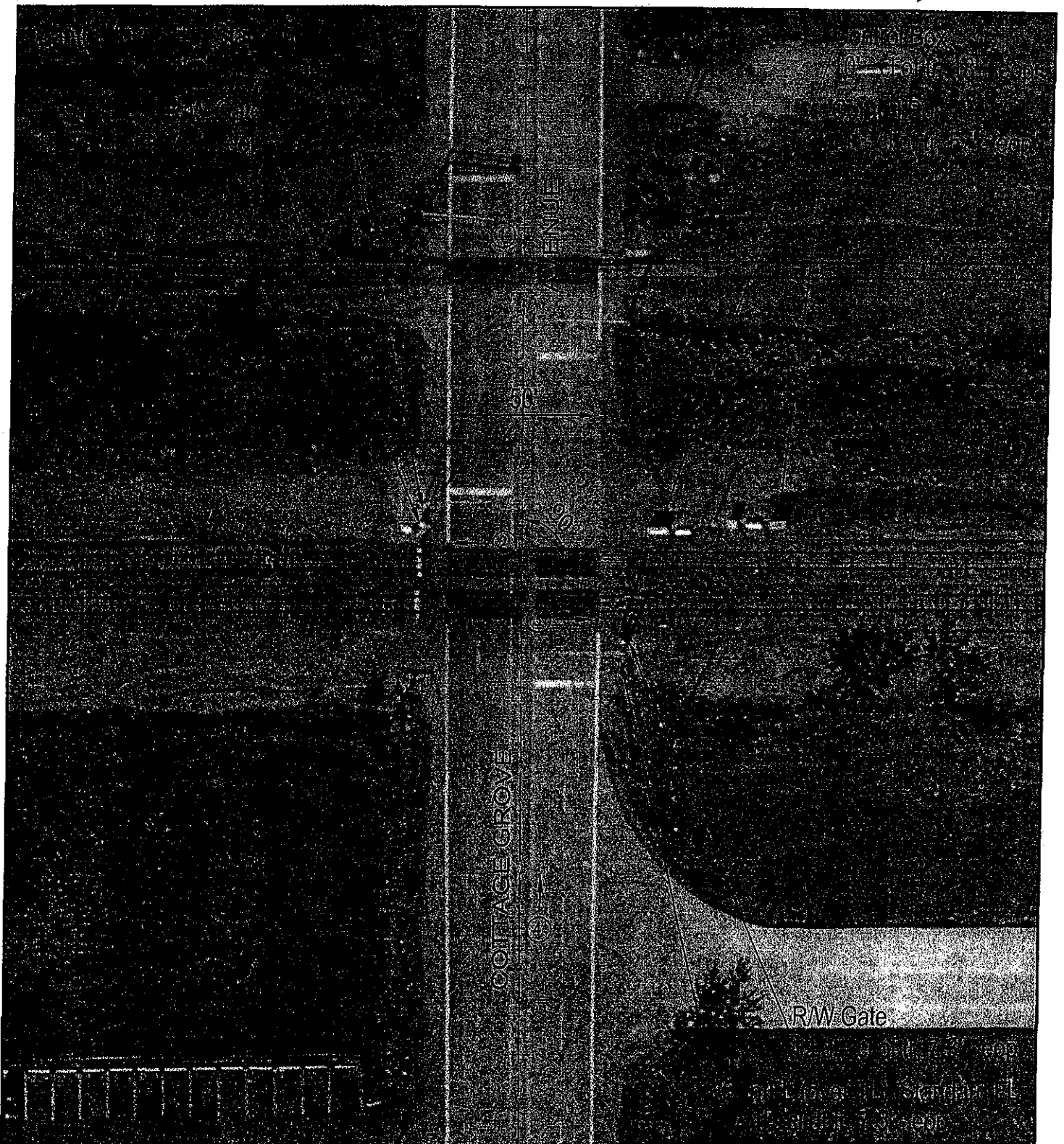
Visibility Study

| Quad | Clearing Visibility | Obstruction | Stopping Visibility | Obstruction |
|------|------------------------|-------------|------------------------|-------------|
| NE | N/A | | N/A | |
| NW | N/A | | N/A | |
| SE | N/A | | N/A | |
| SW | N/A | | N/A | |

Approach Grades

| | | | | | | | | | | | | |
|------|--------------|---|-----------|---|-----------|---|------------|---|-------------|---|-------------|---|
| East | <u>Meets</u> | ' | <u>92</u> | % | <u>IL</u> | ' | <u>ADM</u> | % | <u>Code</u> | ' | <u>1535</u> | % |
| West | <u>"</u> | ' | <u>"</u> | % | <u>"</u> | ' | <u>"</u> | % | <u>"</u> | ' | <u>"</u> | % |

Comments: _____



Crossing #: 260646G

Location: Cook Co., City of Ford Heights (N)

Lat/Long: 41°29'58" / 87°35'49"

Railroad: EJE

Street: Cottage Grove Avenue

Railroad Milepost: 27.17

Crossing Protection: Train Activated Devices

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line NS Milepost 19.36 Inventory # 522 100W
City Chicago Heights Street Cottage Grove Rd. County Cook
Jurisdiction County Urban X Rural Commercial X Residential
Street Surface Concr. W/ Asph. Appr. Width 50' Condition Fair
Angle 90° Tracks Tangent Yes Degree of Curve -----
Depth of Cut ---- Height of Fill ----

Crossing Surface

| Track Centers | Elevation | Track | Type | Width | Condition |
|------------------|---------------|---------------|---------------|---------------|---------------|
| | | <u>TK1</u> | <u>Rubber</u> | <u>8.6'</u> | <u>Poor</u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> | <u> </u> |

Intersecting Roads 100' N/A 200' N/A

Traffic Control Devices Present None

ADT 6300 Speed 50-mph Statewide Yes

School buses Poss. Hazardous Materials Poss.
Other 160,000-lb Steel Trucks

Rail Traffic: Ft. 5 @ 20-mph Pass. No Switch Yes (5)

Simultaneous Movements No Daylight and Dark YES

Present Warning Devices Cant/AFLS

Advance Warning Signs Yes Pavement Marking Yes

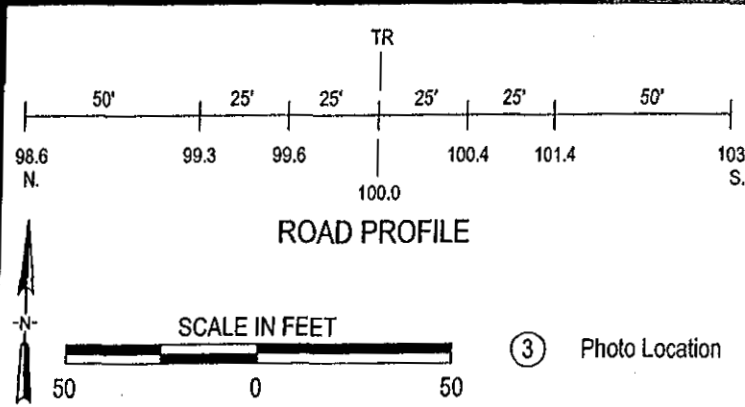
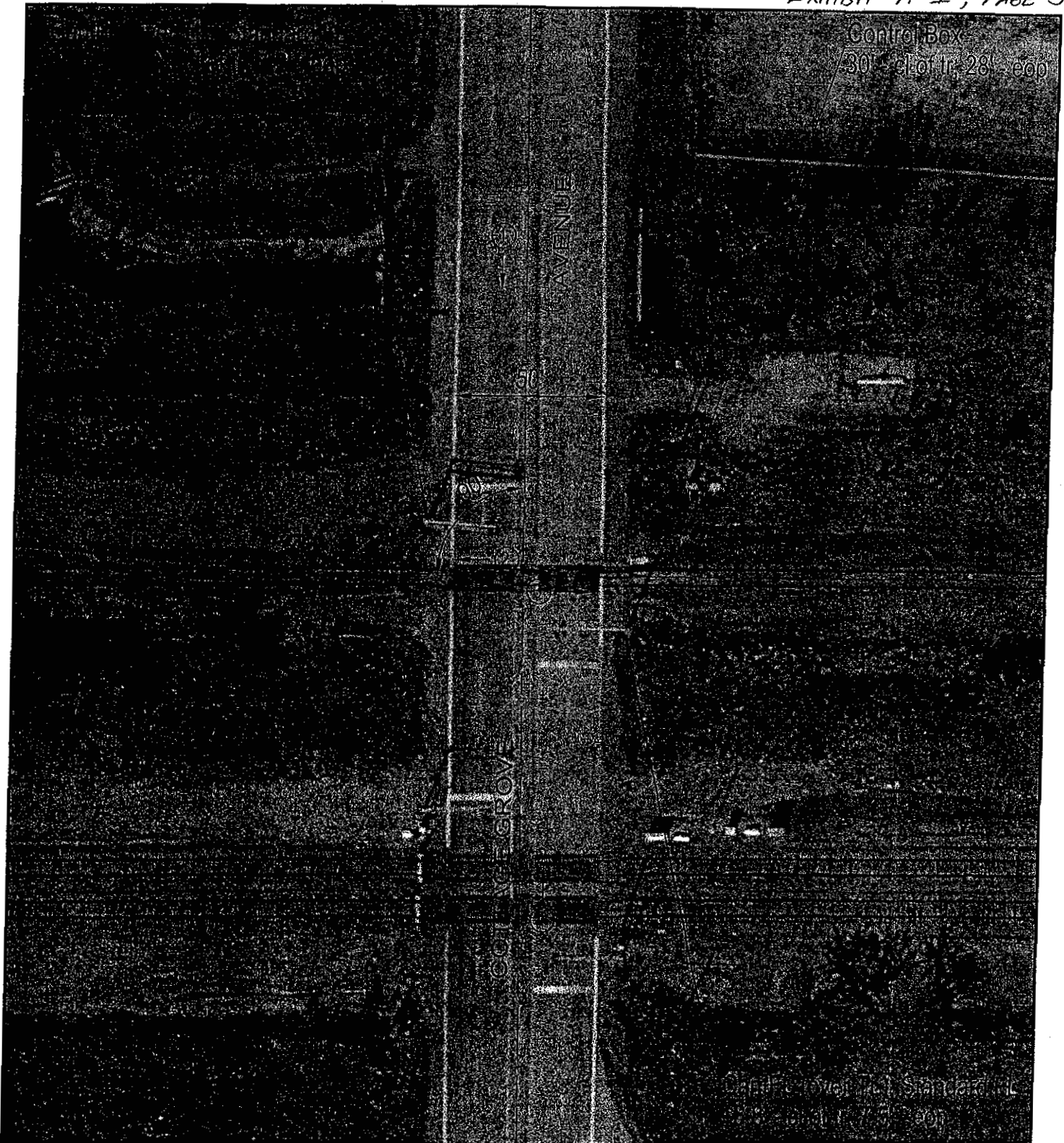
Visibility Study

| Quad | Clearing Visibility | Obstruction | Stopping Visibility | Obstruction |
|------|------------------------|-------------|------------------------|-------------|
| NE | N/A | | N/A | |
| NW | N/A | | N/A | |
| SE | N/A | | N/A | |
| SW | N/A | | N/A | |

Approach Grades

| | | | | | | |
|------|--------------|-------------|-----------|--------------|-------------|---------------|
| East | <u>Meets</u> | <u>92</u> % | <u>IL</u> | <u>ADM</u> % | <u>Code</u> | <u>1535</u> % |
| West | <u>"</u> | <u>"</u> % | <u>"</u> | <u>"</u> % | <u>"</u> | <u>"</u> % |

Comments: _____



Crossing #: 522100W
 Location: Cook Co., City of Chicago Hts (N)
 Lat/Long: 41°29'57" / 87°35'49"
 Railroad: N.S.
 Street: Cottage Grove Avenue
 Railroad Milepost: 19.36
 Crossing Protection: Train Activated Devices

DETAILED ESTIMATE

Name of Carrier:
Elgin, Joliet & Eastern Railway Company

Date:
22-Apr-03

Page 1 of 2

Description and Location of Project:

Interconnect the EJ&E DOT #260 646G and the N&S DOT #522 100W at Grade Crossings With the Cottage Grove Avenue Public Highway, Chicago Heights, Cook County, Illinois- EJ&E Eastern Subdivision. This Estimate Reflects Only EJ&E Costs of a New Gate, Cantilever, Cable, Interconnect Materials & Labor and Does Not Comprehend Any N&S Interconnect Costs.

AAR/DOT#:
260 646G

Milepost:
27.17 ESD

Location:
Cottage Grove Avenue

| Description | Unit | # of Units | Unit Cost | Material Cost | Labor | Total |
|-------------------------------------------------------------------------------------|------|------------|-----------|------------------|-------|------------------|
| <u>MATERIAL:</u> | | | | | | |
| US&S Model 95 Gate Mechanism With LED Flashing Lights, Foundation & Electronic Bell | Each | 1 | 11,000.00 | 11,000.00 | | |
| Lincoln Industries 26' Cantilever With LED Flashing Lights | Each | 1 | 15,500.00 | 15,500.00 | | |
| Dixie Precast Cantilever Foundation | Each | 1 | 2,400.00 | 2,400.00 | | |
| Signal Cable 5/C #6 AWG - Cantilever | Feet | 200 | 4.75 | 950.00 | | |
| Signal Cable 7/C #6 AWG- Gate | Feet | 200 | 5.20 | 1,040.00 | | |
| N&S Interconnect Cable 7/C #14 AWG | Feet | 500 | 5.20 | 2,600.00 | | |
| N&S XPR Type B Plug In Relay | Each | 1 | 750.00 | 750.00 | | |
| Miscellaneous Signal Materials | Lot | 1 | 2,500.00 | 2,500.00 | | |
| Material Subtotal | | | | 36,740.00 | | |
| Sales Tax % 6.2 | | | | 2,277.88 | | |
| Handling % 5 | | | | 1,837.00 | | |
| Material Total: | | | | 40,854.88 | | 40,854.88 |

LABOR:

| | | | | | | |
|----------------------------|-----|-----|----------|------------------|-----------|------------------|
| Signalman | MH | 550 | 22.18 | | 12,199.00 | |
| Labor Subtotal | | | | | 12,199.00 | |
| Add Fringe (%) 71.33 | | | | | 8,701.55 | |
| Engineering and Accounting | lot | 1 | 2,500.00 | 2,500.00 | | |
| Add Fringe (%) 65.95 | | | | 1,648.75 | | |
| Labor Total: | | | | 25,049.30 | | 25,049.30 |

Page 2
Cottage Grove Ave
09/06/2002

OTHER:

| | | | | |
|----------------|-----|---|-----------|-----------|
| Equipment Cost | lot | 1 | 12,250.00 | 12,250.00 |
|----------------|-----|---|-----------|-----------|

(Based on Total Hours)

| | | | | |
|--------------------------|-----|---|----------|----------|
| Underground Conduit Bore | Lot | 1 | 9,500.00 | 9,500.00 |
|--------------------------|-----|---|----------|----------|

| | | | | |
|----------------------------|--|--|-------------------------|------------------|
| <u>Other Total:</u> | | | <u>21,750.00</u> | 21,750.00 |
|----------------------------|--|--|-------------------------|------------------|

Net Project Expenditure:

87,654.18

Figured By: J. Jevtovic
Checked By: T. W. Hunter

From: Ray, Rick H [Rick.Ray@nscorp.com]
Sent: Monday, April 14, 2003 10:02 AM
To: Vercruysse, Brian; Dick Smith (E-mail); Tom Shindelar (E-mail)
Cc: Milewski, Stanley; Broers, Charles; 'thunter@tstarinc.com';
'rbaker@tstarinc.com'
Subject: RE: 522 100W NS Hartdale Industrial Interconnect to EJ&E 260
646G : Cottage Grove Road, Chicago Heights, IL

061-04.512

Brian,
Sorry for not getting back to you sooner, but I am now able to give you
the information you need for the agreement.

NS still wants to maintain their crossing signal equipment at this
crossing due to various reasons. Therefore, have the agreement include
NS for the following work:

1. Design for cantilever, gates and interconnect with the EJ&E.
(re-use cantilevers)
2. Design for constant warning time detection equipment (GCP 3000).
3. NS to install new equipment to meet this design.
4. NS will maintain their equipment at this crossing.

Our estimated cost for this work (could vary depending on the design) is
\$178,500.

However, I will not know a more detailed cost until we have
performed completed design.

Thanks,

Rick